

REMARKS

Reconsideration of this application as amended is respectfully requested.

Allowable Claims

The Examiner's indication that claims 3-6, 10, 16 and 19 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims is acknowledged with appreciation.

Claims 3-5 have been rewritten in independent form to include all of the limitations of the base claim and any intervening claims, while original claim 6 remains dependant upon claim 5. As such, claims 3-6 are now in condition for allowance. Such action is respectfully requested.

Claims 10, 16 and 19 have been rewritten in independent form to include all of the limitations of the base claim and any intervening claims. As such, claims 10, 16 and 19 are now in condition for allowance. Such action is respectfully requested.

Rejected Claims

Claim 1 has been amended to distinguish applicant's invention more clearly over the prior art of record, including McLaughlin et al (US 5,522,525) and Shaw et al (US 3,985,264), whether considered separately or in combination with one another. By suggesting a combination of McLaughlin and Shaw, or any other of the other references cited, Applicant is not making an admission that the combination is proper, and reserves the right to contend that the combination is improper.

Claim 1, as amended, recites an apparatus for dispensing packages of medication having dispensatory instructions thereon. The apparatus has a body with an internal cavity and an outlet, with an actuator received in the cavity. A feed mechanism having a pair of feed rollers supported for rotation on a first pair of generally parallel shafts and a pair of dispensing rollers supported for rotation on a second pair of generally parallel shafts. The first pair of shafts and the second pair of shafts are generally parallel to each other and received in the cavity in operable communication with the actuator for feeding and dispensing the packages of medication toward the outlet. A processing unit is in operable communication with the actuator, and a reading device is received in the cavity and in communication with the processing unit. The reading device relays the dispensatory instructions on the packages to the processing unit, wherein the processing unit communicates with the actuator and causes the feed mechanism to dispense each of the packages toward the outlet at a specified time.

In contrast, McLaughlin et al discloses a medication dispenser station 10 having a rotatably mounted carrousel 34 carrying cassettes 12 with medication therein. The carrousel 34 is rotated via a drive motor 74 coupled to a lead screw 72 to position the cassettes 12 in alignment with a dispense chute 62. Upon being aligned with the dispense chute 62, a dispense head 48 is movable radially to facilitate ejecting or dispensing the medication through the dispense chute 62.

Shaw et al discloses an apparatus for dispensing articles 18 from a closed loop strip 16 through an opening 22. The strip 16 is looped about a guide platform 31 and driven by an intermittently clutched motor driven strip feed wheel 36. The feed wheel 36 has teeth arranged to engage a row of strip feed holes 46. The articles 18, which are detachably positioned on a face of the strip 16, such as via an

adhesive, are positioned in front of the opening 22 by actuating the feed wheel 36, and then are discharged through the opening via a solenoid 39.

As shown in FIG. 8, Shaw discloses a flange 59 arranged for engagement with a pair of rollers 60 to advance a selected drug container 18 adhered to the strip 16 for dispensation through the opening 22. The rollers 60 are arranged in axial alignment with one another, such that the flange 59 engages a top surface of each roller. A pair of guide rollers 62 keep the card strip 16 in a vertical position so that the solenoid 39 engages the selected container 18 to remove it from the strip 16. The guide rollers 62 are oriented perpendicularly to the rollers 60.

Neither McLaughlin et al or Shaw et al disclose, suggest or teach, alone or in combination, a feed mechanism having a pair of feed rollers supported for rotation on a first pair of generally parallel shafts and a pair of dispensing rollers supported for rotation on a second pair of generally parallel shafts, with the first and second pairs of shafts being generally parallel to each other. Further, to modify McLaughlin et al or Shaw et al to arrive at Applicant's claimed construction may not be possible, and at the very least would require undue experimentation and modification.

As such, it is respectfully submitted that claim 1 defines patentable subject matter and is believed to be in condition for allowance. Such action is respectfully requested.

Claim 2 is dependent on claim 1, and has been amended to distinguish applicant's invention more clearly over the prior art of record, including Shaw et al. Claim 2, as amended, recites that the pair of feed rollers engage opposite sides of the packages as the packages pass between the feed rollers and that the pair of dispensing

rollers engage opposite sides of the packages as the packages pass between the dispensing rollers.

Applicant respectfully disagrees with the Examiner's contention that Shaw shows a pair of feed rollers 60 arranged to engage the packages as the packages pass between the feed rollers 60 and a pair of dispensing rollers 62 arranged to engage the packages as the packages pass between the dispensing rollers 62.

In Shaw et al., the rollers 60 engage the flange 59 of the strip 16 to advance the strip 16 through the cabinet top 19, while the rollers 62 keep the strip 16 in a vertical position (Col. 4, lines 10-16). Neither of the pairs of rollers 60, 62 engage the drug container 18, let alone a package of any kind, nor is there any suggestion that it would be beneficial to do so. In contrast to applicant's invention wherein the packages define the sole article being advanced, with the packages holding contents or items, Shaw utilizes a completely different mechanism wherein the strip 16 is being advanced by the rollers 60, 62, with containers 18 being adhered to the strip 16 out of any contact with the rollers 60, 62. Accordingly, in Shaw, there is no reason or benefit, let alone any suggestion, to engage the containers 18 with the rollers 60, 62.

As such, it is respectfully submitted that claim 2 defines patentable subject matter and is believed to be in condition for allowance. Such action is respectfully requested.

Claims 7 and 8 are dependent upon allowable claims 3 and 4, respectively, and have been amended to resolve the Sec. 112 issues by making it clear which feed roller and dispensing roller, respectively, is being referenced. Accordingly, claims 7 and 8 are now in condition for allowance. Such action is respectfully requested.

Claim 9 has been canceled without prejudice.

Claim 11 is dependent on claim 1, and has been amended to distinguish applicant's invention more clearly over the prior art of record, including Shaw et al and McLaughlin et al. Claim 11, as amended, recites a communication board in communication with the processing unit and being operable to send a wireless electronic signal to notify a user out of visual or audio range from the apparatus that it is time to take medication contained in the packages.

In contrast, McLaughlin et al discloses a visual or audio alarm 26 to notify a user when medication has been dispensed. In Shaw, a printout device 66 prints out information related to the dispensation of drugs for the user to read. McLaughlin nor Shaw disclose, suggest or teach sending a wireless electronic signal to notify a user out of visual or audio range from the apparatus that it is time to take medication contained in the packages.

As such, it is respectfully submitted that claim 11 defines patentable subject matter and is believed to be in condition for allowance. Such action is respectfully requested.

Claim 12 is dependent on claim 11, and has been amended to distinguish applicant's invention more clearly over the prior art of record, including Shaw et al and McLaughlin et al. As amended, claim 12 recites that the communication board is operable to receive a wireless electronic signal from another electronic device remote from the apparatus to provide the user with the ability to obtain information from the processing unit and the ability to send instructions via the electronic device to the processing unit.

In contrast, none of the references cited, including McLaughlin and Shaw disclose, suggest or teach a medication dispensing apparatus capable of receiving instructions from another electronic device via a wireless electronic signal.

As such, it is respectfully submitted that claim 12 defines patentable subject matter and is believed to be in condition for allowance. Such action is respectfully requested.

Claims 13-15 are dependent upon base claim 1 and define patentable subject matter and are believed to be in condition for allowance for at least the same reasons. Such action is respectfully requested.

Claim 17 has been amended to resolve the Sec. 112 issue by providing proper antecedent basis for “packages of medication”. As such, claim 17, which is dependent upon allowable claim 16, as acknowledged by Examiner, defines patentable subject matter and is believed to be in condition for allowance for at least the same reasons. Such action is respectfully requested.

Claim 18 is dependent upon amended claim 17, and thus, defines patentable subject matter and is believed to be in condition for allowance for at least the same reasons. Such action is respectfully requested.

Claims 20 and 21 are ultimately dependent upon base claim 1 and define patentable subject matter and are believed to be in condition for allowance for at least the same reasons. Such action is respectfully requested.

Claims 22-55 have been withdrawn as a result of an earlier restriction requirement. Applicant retains the right to present claims 22-55 in a divisional application.

Based on the above, it is respectfully submitted that the claims define patentable subject matter over all the cited references and to be in proper form for allowance. Such action is respectfully requested.

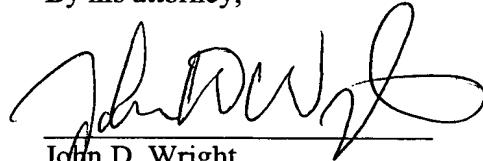
If, after considering this amendment, the Examiner believes any of the claims are not in condition for allowance, a telephone interview with applicant's undersigned attorney, John Wright, is respectfully requested. The Examiner is asked to initiate this telephone interview so that immediate consideration can be given to any further amendments suggested by the Examiner or otherwise needed to place all the claims in a condition for allowance.

The Patent Office is authorized to charge or refund any fee deficiency or excess to Deposit Account No. 50-0852.

Respectfully submitted,

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By his attorney,



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